

MARY L.M. MORAN  
CLERK OF COURT

Attorneys for United States of America

UNITED STATES OF AMERICA, ) CRIMINAL CASE NO. 05-00007

Plaintiff,

VS.

MICHAEL ATOIGUE BURGOS,

Defendant.

**GOVERNMENT'S MOTION  
FOR A DOWNWARD DEPARTURE  
UNDER USSG § 5K1.1 AND  
18 U.S.C. § 3553(e)**

Comes now the United States and moves, pursuant to USSG § 5K1.1 and 18 U.S.C. § 3553(e), for a downward departure from the statutory mandatory minimum sentence of 20 years to the applicable total offense level of Level 31. A Criminal History Category II and Level 31 yield an advisory guideline range of 121 to 151 months. The government will recommend the minimum term under said range, and the reasons for such recommendation are set forth in a memorandum, which the government is seeking to file under seal for reasons of security and further investigations are presently pending.

RESPECTFULLY SUBMITTED this 14th day of October 2005.

LEONARDO M. RAPADAS  
United States Attorney  
Districts of Guam and CNMI

By:

MARIVIC P. DAVID  
Assistant U.S. Attorney